



Hogan Lovells US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
T +1 202 637 5600  
F +1 202 637 5910  
[www.hoganlovells.com](http://www.hoganlovells.com)

February 7, 2014

**By Electronic Mail**

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

George T. Czerniak  
Director, Air and Radiation Division  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60647

Nicole Cantello  
Attorney-Advisor  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60647

**Re: KCBX Terminals – Request for Modification of November 15, 2013 Clean Air Act  
Information Request Issued Pursuant to Clean Air Act Section 114**

Dear Mr. Czerniak and Ms. Cantello:

I write on behalf of KCBX Terminals Company (“KCBX”) to respectfully request a modification of KCBX’s monthly reporting obligations as set forth in the November 15, 2013 information request issued to KCBX by the United States Environmental Protection Agency (“EPA”). Specifically, Request No. 21 directs KCBX to submit hourly particulate matter (“PM”) and meteorological monitoring data, along with 24-hour data from gravimetric monitors to EPA on compact disk every month. . . .” Request No. 21 also provides that KCBX provide “[a]ll filter analysis data, including any specification [sic] data.” Request No. 22 directs that the information and data required by Request No. 21 be provided to EPA “within 14 days of the end of the month being reported.” For the reasons detailed below, KCBX respectfully requests that the 14 calendar day reporting deadline set forth in Request No. 22 be modified to permit KCBX to submit the information

Hogan Lovells US LLP is a limited liability partnership registered in the District of Columbia. “Hogan Lovells” is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP, with offices in: Alicante Amsterdam Baltimore Beijing Brussels Caracas Colorado Springs Denver Dubai Dusseldorf Frankfurt Hamburg Hanoi Ho Chi Minh City Hong Kong Houston Johannesburg London Los Angeles Luxembourg Madrid Miami Milan Moscow Munich New York Northern Virginia Paris Philadelphia Prague Rio de Janeiro Rome San Francisco Shanghai Silicon Valley Singapore Tokyo Ulaanbaatar Warsaw Washington DC Associated offices: Budapest Jakarta Jeddah Riyadh Zagreb. For more information see [www.hoganlovells.com](http://www.hoganlovells.com)

and data required by Paragraph 21 to within 20 business days of the end of the month being reported.

On February 3, 2014, KCBX submitted its Quality Assurance Project Plan ("QAPP") in accordance with Request Number 16 of EPA's information request. As described in the QAPP (pages B9-10), among its other efforts KCBX plans to collect 24-hour PM samples on filters and send the filters to a laboratory on a biweekly basis for analysis for mass and heavy metals using EPA Methods IO-2.1, IO-3.1, and IO-3.5. This information is necessary for interpreting the PM monitoring data that KCBX is required by EPA to collect and submit.

KCBX selected Research Triangle Institute ("RTI") to perform the PM analysis described above because of its considerable expertise in performing such analyses. RTI is EPA's Chemical Speciation Network contracted national laboratory. As outlined in the attached letter RTI's standard reporting cycle for PM laboratory analytical work is much longer than the reporting cycle set forth in EPA's information request. As part of its analysis RTI performs the following steps required by the EPA applicable methods and RTI's standard operating procedures: 1) processing of filters ; 2) equilibration of filters in a chamber at a specified temperature and humidity range for 60 hours prior to weighing; 3) extraction of the PM from the filters into a solution; 4) analysis of the filter extracts on the ICP-MS instrument; 5) review and approval of the results of the ICP-MS analysis; and 6) combination of the mass and metals data with quartz filter data (regarding elemental/organic carbon analysis) for review and approval.

RTI advises that working on an expedited basis (KCBX will be required to pay a premium to expedite the above-described process) it will not be able to complete its analyses and report the results within 14 calendar days of the end of the month being reported. RTI is able to complete the analysis of the filters and report the results to URS and KCBX no earlier than 10 business days following receipt of the month's filters, which effectively means that for some months URS and KCBX will not receive RTI's analytical results until the 15<sup>th</sup> calendar day of the month following the month being reported.

As noted above, once RTI completes its process it reports the results to URS and KCBX. URS, the KCBX project manager, validates the data by ensuring adherence to the QAPP's internal quality assurance and quality control measures and correlating the filter analysis results with the continuous monitor data. RTI simultaneously provides the analytical results to KCBX for its review and approval pending URS's validation of the data. We anticipate that the combined URS and KCBX review and approval process to take 5 business days.

Accordingly, because of the limitations on the availability of the data described above, KCBX respectfully requests that the deadline set forth in the Request No. 22 to submit the data required by Request No. 21 be extended from 14 calendar days following the month being reported to 20 business days following the month being reported. This will enable KCBX to validate the data and submit a single monthly report of all the data required by request no. 21.

Please do not hesitate to contact me with any questions regarding this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam M. Kushner". The signature is fluid and cursive, with the first name "Adam" and last name "Kushner" clearly distinguishable.

Adam M. Kushner

Partner  
adam.kushner@hoganlovells.com  
(202) 637-5724

Enclosure